

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

UNITED ASSOCIATION OF PLUMBERS
AND PIPEFITTERS, LOCAL 619

PLAINTIFF

VS.

CIVIL ACTION NO. 5:05-cv-30 (DCB) (JMR)

LEWIS MECHANICAL CONTRACTORS

DEFENDANT

ORDER GRANTING MOTION FOR DEFAULT JUDGMENT

This cause is before the Court on the plaintiff United Association of Plumbers, Local 619's motion for default judgment **(docket entry no. 6)**. Having carefully considered the motion, and being fully advised in the premises, the Court finds as follows:

The Complaint in this action was filed on February 16, 2005. On April 5, 2005, the summons was returned executed. The defendant has failed to answer, plead or otherwise defend the complaint. On June 20, 2005, default was entered against the defendant by the clerk of court, pursuant to Fed.R.Civ.P. 55(a). On February 6, 2006, the plaintiff filed the present motion for default judgment against the defendant. No action whatsoever has been taken by the defendant in this case; therefore, the notice requirement of Rule 55(b)(2) is not applicable.

Pursuant to Rule 55(b)(2), the plaintiff is entitled to a default judgment on its suit to enforce 29 U.S.C. § 1145 of the Employee Retirement Income Security Act of 1974, as amended. Accordingly,

IT IS HEREBY ORDERED that the plaintiff's motion for default

judgment **(docket entry no. 6)** against the defendant Lewis Mechanical Contractors is GRANTED.

A default judgment, constituting a final judgment in accordance with Fed.R.Civ.P. 58, shall be entered upon submission of a proposed default judgment by the plaintiff.

SO ORDERED, this the 28th day of February, 2006.

S/DAVID BRAMLETTE
UNITED STATES DISTRICT JUDGE